

108TH CONGRESS  
1ST SESSION

# S. 777

To amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies.

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## IN THE SENATE OF THE UNITED STATES

APRIL 3, 2003

Mr. INHOFE (for himself and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. AMENDMENTS TO IMPACT AID PROGRAM.**

4       (a) PAYMENTS RELATING TO FEDERAL ACQUISITION  
5   OF REAL PROPERTY.—Section 8002 of the Elementary  
6   and Secondary Education Act of 1965 (20 U.S.C. 7702)  
7   is amended—

1 (1) in subsection (a), by striking “shall be eligi-  
2 ble” and inserting “is entitled”; and

3 (2) by striking subsections (h) and (i).

4 (b) PAYMENTS FOR ELIGIBLE FEDERALLY CON-  
5 NECTED CHILDREN.—

6 (1) COMPUTATION OF PAYMENT.—Section  
7 8003(a)(1) of the Elementary and Secondary Edu-  
8 cation Act of 1965 (20 U.S.C. 7703(a)(1)) is  
9 amended by striking “is eligible” and inserting “is  
10 entitled”.

11 (2) BASIC SUPPORT PAYMENTS AND PAYMENTS  
12 WITH RESPECT TO FISCAL YEARS IN WHICH INSUF-  
13 FICIENT FUNDS ARE APPROPRIATED.—Section  
14 8003(b) of the Elementary and Secondary Edu-  
15 cation Act of 1965 (20 U.S.C. 7703(b)) is amend-  
16 ed—

17 (A) in the heading, by striking “AND PAY-  
18 MENTS WITH RESPECT TO FISCAL YEARS IN  
19 WHICH INSUFFICIENT FUNDS ARE APPRO-  
20 PRIATED”;

21 (B) in paragraph (1)—

22 (i) in subparagraph (A), by striking  
23 “From the amount appropriated under sec-  
24 tion 8014(b) for a fiscal year, the Sec-

1           retary is authorized to” and inserting  
 2           “The Secretary shall”;

3           (ii) in subparagraph (B)—

4                 (I) in the heading, by striking  
 5                 “ELIGIBILITY” and inserting “ENTI-  
 6                 TLEMENT”; and

7                 (II) by striking “is eligible” and  
 8                 inserting “is entitled”; and

9           (iii) in subparagraph (C)—

10                 (I) in the heading, by striking  
 11                 “MAXIMUM AMOUNT” and inserting  
 12                 “AMOUNT”;

13                 (II) by striking “maximum  
 14                 amount” and inserting “amount”; and

15                 (III) by striking “is eligible” and  
 16                 inserting “is entitled”;

17           (C) in paragraph (2)—

18                 (i) in subparagraph (A)—

19                         (I) in clause (i), by striking  
 20                         “From the amount appropriated  
 21                         under section 8014(b) for a fiscal  
 22                         year, the Secretary is authorized to”  
 23                         and inserting “The Secretary shall”;  
 24                         and

1 (II) in clause (ii), by striking “el-  
2 ible” and inserting “entitled”;

3 (ii) in subparagraph (B)—

4 (I) in the heading, by striking  
5 “ELIGIBILITY” and inserting “ENTI-  
6 TLEMENT”;

7 (II) in clause (i), by striking “is  
8 eligible” and inserting “is entitled”;

9 (III) in clause (ii)—

10 (aa) in the heading, by  
11 striking “ELIGIBILITY” and in-  
12 serting “ENTITLEMENT”;

13 (bb) by striking “shall be in-  
14 eligible” and inserting “shall not  
15 be entitled”; and

16 (cc) by striking “ineligi-  
17 bility” and inserting “nonentitle-  
18 ment”; and

19 (IV) in clause (iii)—

20 (aa) in the heading, by  
21 striking “ELIGIBILITY” and in-  
22 serting “ENTITLEMENT”;

23 (bb) by striking “becomes  
24 ineligible” and inserting “is not  
25 entitled”; and

1 (cc) by striking “eligibility”  
 2 each place it appears and insert-  
 3 ing “entitlement”;

4 (iii) in subparagraph (C)—

5 (I) in the heading, by striking  
 6 “ELIGIBILITY” and inserting “ENTI-  
 7 TLEMENT”;

8 (II) in clause (i), by striking “is  
 9 eligible” and inserting “is entitled”;

10 (III) in clause (ii)—

11 (aa) in the heading, by  
 12 striking “ELIGIBILITY” and in-  
 13 serting “ENTITLEMENT”; and

14 (bb) by striking “becomes  
 15 ineligible” and inserting “is not  
 16 entitled”; and

17 (IV) in clause (iii), by striking  
 18 “becoming ineligible” and inserting  
 19 “losing entitlement status”;

20 (iv) in subparagraph (D)—

21 (I) in the heading, by striking  
 22 “MAXIMUM AMOUNT” and inserting  
 23 “AMOUNT”; and

24 (II) in clause (i)—

1 (aa) by striking “maximum  
 2 amount” and inserting  
 3 “amount”; and

4 (bb) by striking “is eligible”  
 5 and inserting “is entitled”; and

6 (v) in subparagraph (E)—

7 (I) in the heading, by striking  
 8 “MAXIMUM AMOUNT” and inserting  
 9 “AMOUNT”; and

10 (II) in clause (i)(I)—

11 (aa) by striking “maximum  
 12 amount” and inserting  
 13 “amount”; and

14 (bb) by striking “is eligible”  
 15 and inserting “is entitled”;

16 (D) by striking paragraph (3); and

17 (E) in paragraph (4)—

18 (i) in subparagraph (A), by striking  
 19 “paragraph (3)”; and

20 (ii) in subparagraph (B)—

21 (I) in the heading—

22 (aa) by striking “MAXIMUM  
 23 AMOUNT” and inserting  
 24 “AMOUNT”; and

1 (bb) by striking “AND  
2 THRESHOLD PAYMENT”;

3 (II) by striking “maximum” each  
4 place it appears; and

5 (III) by striking “and the learn-  
6 ing opportunity threshold payment  
7 under subparagraph (B) or (C) of  
8 paragraph (3), as the case may be,”.

9 (c) POLICIES AND PROCEDURES RELATING TO CHIL-  
10 DREN RESIDING ON INDIAN LANDS.—Section 8004(e)(8)  
11 of the Elementary and Secondary Education Act of 1965  
12 (20 U.S.C. 7704(e)(8)) is amended by striking “is eligi-  
13 ble” and inserting “is entitled”.

14 (d) APPLICATION FOR PAYMENTS UNDER SECTIONS  
15 8002 AND 8003.—Section 8005(b)(1) of the Elementary  
16 and Secondary Education Act of 1965 (20 U.S.C.  
17 7705(b)(1)) is amended by striking “eligibility” and in-  
18 serting “entitlement”.

19 (e) CONSTRUCTION.—Section 8007 of the Elemen-  
20 tary and Secondary Education Act of 1965 (20 U.S.C.  
21 7707) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1), by striking “section  
24 8014(e)” and inserting “subsection (c)”; and

1 (B) in paragraph (3), by striking “section  
 2 8014(e)” each place it appears and inserting  
 3 “subsection (c)”;

4 (2) in subsection (b)(1), by striking “section  
 5 8014(e)” and inserting “subsection (c)”; and

6 (3) by adding at the end the following:

7 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
 8 are authorized to be appropriated to carry out this section  
 9 such sums as may be necessary for each of the fiscal years  
 10 2004 through 2009.”.

11 (f) FACILITIES.—Section 8008 of the Elementary  
 12 and Secondary Education Act of 1965 (20 U.S.C. 7708)  
 13 is amended—

14 (1) in subsection (a), by striking “section  
 15 8014(f)” and inserting “subsection (c)”; and

16 (2) by adding at the end the following:

17 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
 18 are authorized to be appropriated to carry out this section  
 19 such sums as may be necessary for each of the fiscal years  
 20 2004 through 2009.”.

21 (g) AUTHORIZATION OF APPROPRIATIONS.—Section  
 22 8014 of the Elementary and Secondary Education Act of  
 23 1965 (20 U.S.C. 7714) is amended to read as follows:

1 **“SEC. 8014. APPROPRIATIONS AND RULE OF CONSTRUC-**  
 2 **TION.**

3 “(a) APPROPRIATION.—For the purpose of making  
 4 payments to local educational agencies under sections  
 5 8002 and 8003 for each fiscal year, there is appropriated,  
 6 out of any money in the Treasury not otherwise appro-  
 7 priated, such sums as may be necessary to make such pay-  
 8 ments in each such fiscal year.

9 “(b) ENTITLEMENT.—The provisions of this title re-  
 10 lating to payments under sections 8002 and 8003 shall  
 11 constitute budget authority in advance of appropriations  
 12 Acts and represents the obligation of the Federal Govern-  
 13 ment to provide for the payment to local educational agen-  
 14 cies of amounts provided for under such sections.

15 “(c) RULE OF CONSTRUCTION.—Nothing in this title  
 16 shall be interpreted to entitle any individual to assistance  
 17 under any program, project, or activity of a local edu-  
 18 cational agency, State agency, or other governmental enti-  
 19 ty funded under this title.”.

20 **SEC. 2. EFFECTIVE DATE.**

21 The amendments made by this Act shall take effect  
 22 on October 1, 2003, or the date of enactment of this Act,  
 23 whichever occurs later.

